



Docket No.: 211205US-3

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231



ATTORNEYS AT LAW

RE: Application Serial No.: 09/903,788
Applicants: Morihiro SADA, et al.
Filing Date: July 13, 2001
For: A METHOD AND APPARATUS FOR
MANUFACTURING CHARCOAL GRILLED FOODS
Group Art Unit: 1761
Examiner: D. Becker

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Registration No. 25,599

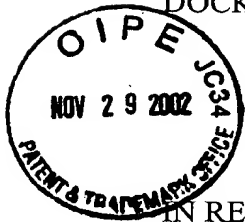


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TC 1700 MAIL ROOM



DOCKET NO.: 211205US3

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

MORIHIRO SADA, ET AL.

SERIAL NO: 09/903,788

FILED: JULY 13, 2001

FOR: A METHOD AND APPARATUS
FOR MANUFACTURING
CHARCOAL GRILLED FOODS

:

: EXAMINER: BECKER, D. E.

:

: GROUP ART UNIT: 1761

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RESPONSE TO RESTRICTION REQUIREMENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

In response to the Restriction Requirement dated October 29, 2002, Applicants provisionally elect with traverse Group II, Claims 6-12 directed to an apparatus classified in Class 99, subclass 325. Applicants make this election based on the understanding that Applicants are not prejudiced against filing one or more divisional applications that cover the non-elected claims.

Applicants traverse the outstanding Restriction Requirement as the outstanding Restriction Requirement has not established that an undue burden would be required if the Restriction Requirement was not issued and if all the claims were examined together. More particularly, MPEP §803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

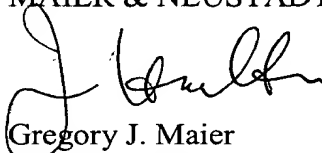
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In the present application no undue burden has been established if each of the claims were examined together. In particular, as claimed, the specific method of grilling foods would require the specific structure of the article. In contrast, the present restriction requirement subjects the Applicants to the added financial burden of prosecuting Claims 1-5 and Claims 6-12 in separate proceedings.

Accordingly, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-12 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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